

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA 2003076 Variance

Hearing Date: July 9, 2003

Agenda Item: 21

Supervisory District: 1

Applicant/Owner: Woodie and Laurie Cleveland

Request: **Variance to:**

Permit a proposed detached accessory structure (auxiliary building/garage) to setback 20 feet from the side (west) property line where 30 feet is the minimum required in the Rural-43 zoning district.

This variance is being requested from the following Zoning Ordinance Section:

Section 503.4.2

Site Location: 11233 E. Bellflower Court (Chandler area)
Santan Vista Unit 1, Lot 20

Site Size: 43,608 square feet (1.0 acres)

Existing Zoning: Rural-43 R.U.P.D.

Current Use: Single-family residence

Citizen Support/Opposition: Staff has received three letters in support of the request.

Staff Recommendation: **Deny**

Existing On-Site and Surrounding Zoning:

1. On-site: Rural-43 R.U.P.D.
North: Rural-43 R.U.P.D.
South: Rural-43 R.U.P.D.
East: Rural-43 R.U.P.D.
West: Rural-43 R.U.P.D.

Existing On-Site and Surrounding Land Use:

2. On-site: Single-family residence (under construction)
North: Bellflower Court/vacant
South: Vacant
East: Single-family residence (under construction)
West: Vacant

Background:

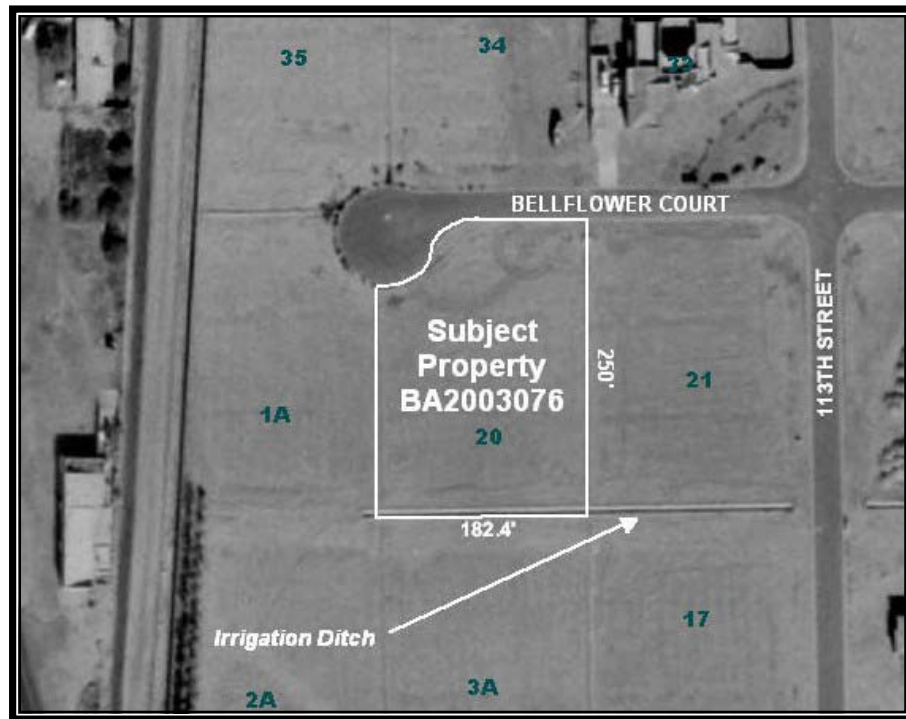
3. **November 11, 1999:** The final plat for the Santan Vista subdivision (Case **S 98-13**) was recorded.
4. **April 17, 2002:** An R.U.P.D. was approved for Santan Vista, an existing 46-acre, 37-lot, one-tract single-family residential subdivision, in the Rural-43 zoning district (Case **Z2002012**).
5. **February 20, 2003:** The current owners purchased the subject property.
6. **April 3, 2003:** A building permit was issued for a single family residence (B200302001) and a detached garage (B200302002) on the subject property.
7. **June 3, 2003:** The owners of the subject property applied for the subject variance request, to permit the detached garage to setback 20 feet from the side (west) property line where 30 feet is the minimum required.

Findings:

8. **Maricopa County Department of Transportation:** No response at the time this report was written.
9. **Flood Control District:** No objection to the subject request.
10. **Environmental Services Department:** No objection to the subject request.

Site Analysis:

11. The subject property is an irregularly shaped lot measuring 182.4 feet in width and 250 feet in length on the longest side. The lot is irregularly shaped because the front property line abuts the radial terminus of a cul-de-sac; therefore, a portion of the front property line is curved. The property is relatively level and free from any topographical hardships that would limit the development of the property. There is an irrigation easement over the south 15 feet of the property, which contains an irrigation ditch. Presently, a 7,277 square-foot residence is under construction on the property. The total square footage of the residence includes 4,898 square feet of living area, 1,070 square feet of garage and storage area, a 406-square foot portico and 903 square feet of patio, under roof. Because of the location of the cul-de-sac and the curve in the front property line, the residence had to be set back further from the majority of the front property line to accommodate the setback from the furthest point on the curve. The residence sets back approximately 80 feet from the majority of the front property line and 40 feet from the furthest point on the curved portion of the front property line.



12. The property will be directly accessed from the north off of the cul-de-sac of Bellflower Court via a driveway. The driveway will lead to the 1,070-square foot, three-car garage that is attached to the northwest corner of the residence. The applicant is proposing to construct a detached 1,200-square foot auxiliary building in the southwest corner of the property, 15 feet from the rear (south) property line, approximately 40 feet south of the residence, and 20 feet from the west property line. The auxiliary building will contain space to store a recreational vehicle.

13. The following table is included to illustrate the differences between the base zoning district standards and the standards proposed by the applicant.

Standard	Rural-43 R.U.P.D. (Zoning District)	Proposed Standard
Front Yard Setback	40-feet	40-feet
Rear Yard Setback	40-feet	15-feet
Side (East) Yard Setback	30-feet	30-feet
Side (West) Side Setback	30-feet	20-feet
Maximum Height	30-feet/2 stories	15-feet/1 story
Minimum Lot Area	43,560-sq. ft. (one acre)	43,608-sq. ft. (one acre)
Minimum Lot Width	145-feet	182.4-feet
Min. Dist. Betw. Bldgs.	15-feet	15-feet
Lot Coverage	20%	19.4%

*Standards indicated in **bold** do not meet base zoning district standards.

Land Use Analysis:

14. The subject site is located in the south Chandler area in the Santan Vista subdivision, which is located directly adjacent to the north of Hunt Highway and west of Arizona Avenue. Hunt Highway is the boundary line that divides Maricopa County from Pinal County to the south. South of Hunt Highway, Arizona Ave branches out into two highways, State Route 587 continuing south and State Route 87 continuing southeast. The Santan Vista subdivision is bordered by the Consolidated Canal to the north and west, and by the Union Pacific Railroad to the east.
15. All of the land immediately adjacent to the Santan Vista subdivision, with the exception of the land south of Hunt Highway that is within Pinal County, is under Maricopa County's jurisdiction. Sun Lakes, a 3,300-acre master planned community, is located west of the site, north and west of Hunt Highway and Arizona Avenue. A small strip of land just west of Santan Vista, between Arizona Avenue and the Consolidated Canal is zoned C-3 and is developed with some commercial uses, one of which is the Last Chance Trading Post (saloon). The land immediately north of Santan Vista that is east of Arizona Avenue and south of Riggs Road is zoned Industrial and is developed with some industrial uses. Further out, there are several residential subdivisions of varying densities, some of which are presently under construction. Some of these subdivisions are within the county and some are within the City of Chandler.
16. Santan Vista is a 46-acre subdivision that is zoned Rural-43 R.U.P.D. The subdivision was originally a one-unit, 35-lot, one-tract subdivision that was zoned Rural-43. The final plat for Santan Vista was recorded in 1999. Subsequent replats divided the 35-lot subdivision into four units, Santan Vista Unit 1, Santan Vista Unit 1A, Santan Vista Unit 1B and Santan Vista Unit 2A. The subject property is located in Santan Vista Unit 1, which has 27 lots. Most of the lots in Santan Vista are not yet developed, but there are a few homes presently under construction.

17. In January of 2002, the developer of Santan Vista applied for an R.U.P.D. overlay for all four units of Santan Vista to allow for 20% lot coverage where 15% is the maximum allowed in the Rural-43 zoning district. Originally, when the final plat was applied for in 1998, lot coverage was not an issue. It became an issue after several property owners sought building permits for lot coverages in excess of 15%. As a result, two property owners applied for variances to allow lot coverages over 15%. Case **BA2001014**, located at 11325 E. Bellflower Court, a request to permit a proposed lot coverage of 18.45% where 15% is the maximum allowed in the Rural-43 zoning district, was approved. Case **BA2001065**, located at 11244 E. Bellflower Court, a request to permit a proposed lot coverage of 18.3% where 15% is the maximum allowed, was denied. As a result of that variance being denied, the developer applied for the R.U.P.D. overlay (Case **Z2002012**) to permit 20% lot coverage. Case **Z2002012** was approved by the Board of Supervisors on April 17, 2002.
18. Excluding the variance cases in the Sun Lakes master planned community, which are not relative to the subject request, staff research found six Board of Adjustment cases within two miles of subject site. Of these six cases, only one case is even somewhat relevant to the subject request. Case **BA 99-91**, located north and west of the northwest corner of Hunt Highway and McQueen Road, a request for variances to permit a proposed single family residence to setback 30 feet from the rear property line where 40 feet is the minimum required and to permit a lot width of 128.15 feet (one acre) where 145 feet is the minimum required in the Rural-43 zoning district, was approved.

Plan Analysis:

19. The owners of the subject property are requesting a variance to permit the proposed detached 1,200-square foot auxiliary building to setback 20 feet from the side (west) property line where 30 feet is the minimum required in the Rural-43 R.U.P.D. zoning district. A building permit was already issued for the garage (B200302002) on April 17, 2003. The permit was approved for the garage to setback the required 30 feet from the side (west) property line. The property owners have since come back and applied for a variance to change the location of the garage from what was approved for the building permit.
20. The owners of the property state that there are unique and peculiar circumstances on the lot that support approval of their variance request. They state that upon purchase of the property the boundaries and easement restrictions were not made clear; that they did not know that the irrigation canal was located in the back portion of their property; that they thought the irrigation canal was the dividing line between the properties because of the location of homes already built in the development; and, that because the canal is solely located on their property, they are required to locate accessory structures 15 feet from the rear (south) property line where accessory structures are typically permitted to set back as close as three feet from the rear property line (Article 1106.2). In essence, because of the presence of the irrigation

easement, a portion of the required rear yard that could be developed with accessory structures, measuring 176.44 feet [182.4 feet – (3 feet + 3 feet)] x 12 feet (15 feet – 3 feet), was lost.

21. The owners also note that, in addition to the hardship created by the location of the irrigation ditch, there is another hardship caused by the location of part of a cul-de-sac over a portion of the front of their property. The location of the cul-de-sac caused a small segment of the front property line to be curved. In order for the placement of the residence to meet the required 40-foot front yard setback, the residence had to be set back 40 feet from the point furthest south on the cul-de-sac. As a result, the home sets back 80 feet from the majority of the front property line, which abuts Bellflower Court. The owners of the property state that because the house had to be set back 80 feet from the majority of the front property line, additional buildable area was lost. Other homes already built on lots that front onto Bellflower Court are set much closer to their front lot lines. The house on the lot adjacent to the east of the subject property sets back 54 feet from Bellflower Court (See Photo 1, below). A home on one of the lots across the street from the subject property sets back 40 feet from Bellflower Court (See Photo 2, below).



Photo 1: View facing east from the northwest corner of the subject property



Photo 2: View facing northeast from the northeast corner of the subject property

22. The owners of the subject property state that there are also peculiar conditions in the surrounding area, which warrant the granting of the variance request. They state that the proposed location of the auxiliary building will shield their view of the Last Chance Trading Post (saloon). The saloon is located approximately 220 feet west of the subject site, west of the Consolidated Canal and adjacent to the east of Arizona Avenue. From the subject property the back side of the saloon building can be seen in the distance. There is a wall located along the perimeter of the subdivision, but it does not block the view of the saloon because the wall is not high enough. The owners state that it was conveyed to them upon purchase that the saloon would be condemned and replaced with a paseo trail system, and that the trailhead would begin where the saloon presently sits.

23. Staff has received three letters in support of the request. One of the letters is from the developer of San Tan Vista Unit 1, San Tan Chandler LLC. They simply state that they are not opposed to the request. The second letter is from the owners of a lot in San Tan Vista Unit 1, Michael and Daroly Wall. The Wall's state that they are fully aware of the variance request and are in full support. The third letter is from the Santan Vista Review Committee. The Committee states that they have approved the Cleveland's proposed construction drawings of the primary residence and also that of the detached garage. They state that they understand that the garage is outside the building envelope as defined in the CC&R', but that they interpret these setback lines to apply to the main residence of the home and not to separate garages, guest suites or auxiliary structures that fall within the rear one third of the lot. The Committee approved the detached garage to be located 15 feet from the side set back line, according to the approved construction drawings and site plan dated February 2, 2003.
24. Staff is recommending denial of the request because, although hardships exist due to the configuration of the lot and the location of an irrigation easement over the south 15 feet of the lot, it appears as though there are alternative solutions available that would still allow for a reasonable use of the property. One solution would be to shift the building over ten feet to the east. Then all zoning requirements would be met. However, this would further reduce the size of their backyard and might not as effectively shield the view of the saloon. Had the residence that is presently under construction on the property not have been so large, or been designed differently, there would be more of a usable backyard behind the residence.

Recommendation: (BA 2003076)

25. Staff recommends **denial** of the variance request based on the following:
- Approval of the request may be in conflict with the intent of the Zoning Ordinance.
 - The need for the variance appears to be self-created.
 - It appears as though there are alternative solutions available to the applicants that would eliminate the need for the variance.
 - There is a reasonable use of the property without the granting of this variance.
 - The subject property is already subject to relaxed zoning standards because it is located in an Residential Unit Plan of Development overlay zoning district.
26. Should the Board determine that a reasonable use of the property can not be made without this variance, then this request may be approved subject to the following stipulations:
- a) General compliance with the site plan stamped received June 3, 2003.
 - b) The applicant shall submit copies of the site plan approved for this variance for the building permit for the detached garage (B200302002).

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Attachments: Case Map BA2003076
Assessor Map
Zoning Map
Final Plat for Santan Vista
Site Plan
Floor, Roof & Foundation Plan, & Elevations, of Detached Garage (1 page)
Application
Supplemental Questionnaire
Supplemental Questionnaire attachment (2 pages)
Letter from San Tan Chandler, LLC dated June 2, 2003
Letter from Michael and Darolyn Wall dated June 2, 2003
Letter from the San Tan Vista Design Review Committee
FCD Memo